

CALLAHAN & FUSCO, LLC  
MITCHELL AYES  
103 Eisenhower Parkway, Suite 400  
Roseland, New Jersey 07068  
Telephone: (973) 618-9770  
Facsimile: (973) 618-9772  
mayes@callahanfusco.com

Counsel for Plaintiff

[Additional counsel appear on signature page]

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

DAVID BONO, Derivatively on Behalf of )	Case No. 3:15-cv-06326-FLW-DEA
Advaxis, INC., )	
Plaintiff, )	PLAINTIFF'S NOTICE AND
v. )	UNOPPOSED MOTION FOR
)	PRELIMINARY APPROVAL OF
)	DERIVATIVE SETTLEMENT
DANIEL J. O'CONNOR, DAVID J. )	
MAURO, SAMIR KHLEIF, ROBERT G. )	
PETIT, RONI A. APPEL, RICHARD J. )	
BERMAN, THOMAS J. MCKEARN, )	
JAMES P. PATTON, DAVID )	
SIDRANSKY, SARA M. BONSTEIN, )	
and GREGORY T. MAYES, )	
Defendants, )	
-and- )	
Advaxis, INC., a Delaware corporation, )	
Nominal Defendant. )	
<hr/>	
) <u>MOTION DATE</u> : November 6, 2017	

To: All Counsel on the ECF List

Pursuant to Rule 23.1 of the Federal Rules of Civil Procedure, and upon the Stipulation of Settlement dated October 2, 2017 ("Stipulation"),<sup>1</sup> Plaintiff David Bono, by and through his undersigned counsel, respectfully moves this Court unopposed, for entry of the [Proposed] Order Preliminarily Approving Settlement in the form attached to the Stipulation as Exhibit A (the "Preliminary Approval Order"): (1) granting preliminary approval of the proposed Settlement on the terms set forth in the Stipulation; (2) approving the proposed form and manner of the Notice and Summary Notice to Advaxis stockholders, attached to the Stipulation as Exhibits B-C; (3) setting a date for the Settlement Hearing at least sixty-five days after dissemination of the notices at a date convenient to the Court; and (4) such other and further relief as this Court deems just and proper.

This unopposed motion is supported by the accompanying Memorandum of Law, the Declaration of Craig W. Smith and exhibits attached thereto, the Stipulation and exhibits attached thereto, the Preliminary Approval Order submitted concurrently herewith, all pleadings and papers filed in this Action, and any other matter that the Court may consider.

---

<sup>1</sup> All capitalized terms not otherwise defined herein shall have the same meaning as utilized in the Stipulation attached as Exhibit 1 to the Declaration of Craig W. Smith in Support of Plaintiff's Unopposed Motion for Preliminary Approval of Settlement, filed herewith.

Plaintiff has confirmed that Defendants do not oppose this motion.

Dated: October 6, 2017

CALLAHAN & FUSCO, LLC



---

MITCHELL AYES

103 Eisenhower Parkway, Suite 400  
Roseland, New Jersey 07068  
Telephone: (973) 618-9770  
Facsimile: (973) 618-9772  
mayes@callahanfusco.com

ROBBINS ARROYO LLP  
BRIAN J. ROBBINS  
CRAIG W. SMITH  
SHANE P. SANDERS  
MICHAEL J. NICOUD  
600 B Street, Suite 1900  
San Diego, CA 92101  
Telephone: (619) 525-3990  
Facsimile: (619) 525- 3991  
brobbins@robbinsarroyo.com  
csmith@robbinsarroyo.com  
ssanders@robbinsarroyo.com  
mnicoud@robbinsarroyo.com

*Counsel for Plaintiff*